

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 642

Introduced by Assembly Member Huber

February 25, 2009

~~An act relating to the Sacramento-San Joaquin Delta.~~ *An act to add Division 22.3 (commencing with Section 32300) to the Public Resources Code, relating to conservancies.*

LEGISLATIVE COUNSEL'S DIGEST

AB 642, as amended, Huber. ~~Sacramento-San Joaquin Delta.~~ *Conservancies: Sacramento-San Joaquin Delta Conservancy.*

Existing law establishes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta, as defined, and Suisun Marsh, including measures identified in the Delta sustainability program that are intended to restore and manage habitat in the Delta and Suisun Marsh. The bill would prescribe the management, powers, and duties of the conservancy.

The bill would provide that expenses of the conservancy may be paid from funds appropriated by the Legislature or from gifts, donations, bequests, or other public and private sources.

~~Under existing law, various state agencies administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta.~~

~~This bill would declare legislative intent to enact legislation to establish a board with specified representatives to review local governmental decisions that impact the Delta.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 22.3 (commencing with Section 32300)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 22.3. SACRAMENTO-SAN JOAQUIN DELTA
5 CONSERVANCY

6
7 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

8
9 32300. This division shall be known, and may be cited, as the
10 Sacramento-San Joaquin Delta Conservancy Act.

11 32301. The Legislature finds and declares all of the following:

12 (a) The Sacramento-San Joaquin Delta (Delta) is a unique and
13 valued area, warranting recognition and special legal status from
14 the State of California.

15 (b) The Delta is a place of natural beauty, with historic towns,
16 exceptionally productive farming, and close-knit communities.

17 (c) The Delta is an integral part of the largest estuary on the
18 West Coast of the Americas, connecting rivers originating in the
19 Sierra Nevada to the Pacific Ocean.

20 (d) The Delta is home to many thousands of residents who enrich
21 the fabric of California life with varied and productive livelihoods
22 and whose capacity for self governance has met with success.

23 (e) The Delta's agricultural endeavors achieve a level of
24 production per acre unparalleled anywhere in the world.

25 (f) These values should be preserved, protected, and enhanced.

26 32302. For the purposes of this division, the following terms
27 have the following meanings:

28 (a) "Board" means the governing board of the Sacramento-San
29 Joaquin Delta Conservancy.

30 (b) "Comprehensive Delta sustainability program" or
31 "program" means a comprehensive Delta program intended to
32 sustain the ecosystem of the Sacramento-San Joaquin Delta and
33 Suisun Marsh and to preserve and enhance agriculture and the
34 economic viability of the Delta.

1 (c) "Conservancy" means the Sacramento-San Joaquin Delta
2 Conservancy.

3 (d) "Delta" means the Sacramento-San Joaquin Delta as defined
4 in Section 12220 of the Water Code.

5 (e) "Delta counties" means the Counties of Contra Costa,
6 Sacramento, San Joaquin, Solano, and Yolo.

7
8 CHAPTER 2. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY
9

10 32310. There is in the Natural Resources Agency the
11 Sacramento-San Joaquin Delta Conservancy, which is created as
12 a state agency for the purposes of, and to carry out the authority
13 given to it under, this division.

14 32312. (a) The conservancy shall be governed by a board,
15 which shall consist of nine voting members as follows:

16 (1) Five members, each of whom shall be a member of the board
17 of supervisors of a Delta County: one each from Contra Costa,
18 Sacramento, San Joaquin, Solano, and Yolo Counties chosen by
19 the respective board of supervisors. An alternate shall be selected
20 for each of these members by the board of supervisors of each
21 Delta county and shall be a member of the respective board of
22 supervisors.

23 (2) Two public members, who reside in a Delta county,
24 appointed by the Governor.

25 (3) One public member, who resides in a Delta county,
26 appointed by the Speaker of the Assembly.

27 (4) One public member, who resides in a Delta county,
28 appointed by the Senate Committee on Rules.

29 (b) The board shall also include the following *ex officio*,
30 nonvoting members:

31 (1) The Director of Fish and Game, or his or her designee.

32 (2) The chair person of the Delta Protection Commission, or
33 his or her designee.

34 (3) The Secretary of the Natural Resources Agency, or his or
35 her designee.

36 (c) The conservancy shall request nonvoting participation by
37 appropriate federal and state agencies.

38 (d) Each member, as described in paragraph (1) of subdivision
39 (a), shall serve a three-year term. These members may be

1 reappointed at the end of their term and any vacancy during a
2 term of office may be filled by the appointing entity.

3 (e) Each public member shall be appointed for a three-year
4 term, except that one of the public members initially appointed by
5 the Governor shall serve a one-year term, the public member
6 initially appointed by the Speaker of the Assembly shall serve a
7 two-year term, and the public member initially appointed by the
8 Senate Committee on Rules shall serve a three-year term. Public
9 members may be reappointed at the end of their term and any
10 vacancy during a term of office may be filled by the appointing
11 entity.

12 (f) The public members shall be selected to reflect either the
13 diversity of interests in the Delta or statewide interests as they
14 relate to the authority and mission of the conservancy. Public
15 members shall be compensated for attendance at regular meetings
16 of the board at the rate of one hundred dollars (\$100) per day and
17 shall be reimbursed for actual reasonable and necessary expenses
18 for attending meetings and carrying out the duties of their office.

19 (g) The members shall elect annually from among them a chair
20 person and vice chair person and other officers as necessary.

21 (h) A majority of the voting members shall constitute a quorum
22 for the transaction of the business of the board, and a majority
23 vote of the members present at a meeting where a quorum exists
24 shall be binding with respect to all matters acted on by the board.

25 32314. The board shall appoint an executive officer of the
26 conservancy and employ other staff as necessary to execute the
27 powers and functions provided for under this division.

28 32315. The conservancy may rent or own real property and
29 equipment pursuant to applicable statutes and regulations.

30 32316. The conservancy may enter into contracts with private
31 entities and public agencies to procure consulting and other
32 services to achieve the purposes of this division.

33 32317. The board shall establish and coordinate the
34 conservancy's activities with an advisory committee.

35
36 *CHAPTER 3. POWERS, DUTIES, AND LIMITATIONS*
37

38 32320. (a) Except as provided in subdivision (b), the
39 jurisdiction and activities of the conservancy are limited to the
40 Delta and Suisun Marsh.

1 ***(b) The conservancy may take or fund an action outside of the***
2 ***Delta and Suisun Marsh if that action is consistent with the goals***
3 ***established by the Legislature for the conservancy.***

4 ***32322. The board shall report to the Legislature and Governor***
5 ***annually on the progress towards implementation of the measures***
6 ***identified in the comprehensive Delta sustainability program***
7 ***intended to restore and manage habitat in the Delta and Suisun***
8 ***Marsh as set forth by legislation.***

9 ***32324. (a) The conservancy's expenses may be paid from the***
10 ***conservancy's operating budget, if one is provided for, and other***
11 ***funding sources available to the conservancy.***

12 ***(b) Up to 5 percent of any funds appropriated by the Legislature***
13 ***may be expended to pay the administrative costs of the***
14 ***conservancy.***

15 ***(c) Funds appropriated by the Legislature to the conservancy***
16 ***may be used for grants or direct expenditure.***

17 ***(d) The conservancy shall comply with all applicable provisions***
18 ***of law related to an appropriation of funds by the Legislature in***
19 ***administering those funds.***

20 ***32326. The conservancy may accept gifts, donations, bequests,***
21 ***devises, subventions, grants, rents, royalties, and other funds from***
22 ***public and private sources.***

23 ~~**SECTION 1. It is the intent of the Legislature to enact**~~
24 ~~**legislation to establish a board that includes members who**~~
25 ~~**represent each of the five counties within a portion of the**~~
26 ~~**Sacramento-San Joaquin Delta for the purpose of reviewing local**~~
27 ~~**governmental decisions that impact the Delta.**~~